

REMARKS

In response to the Examiner's request, enclosed herein is a copy of the PTO-1449 listing the references listed in the International Search Report filed on March 7, 2001. It is respectfully requested that the Examiner provide Applicant an initialed copy of the PTO-1449 indicating that each of the prior art references cited therein have been considered and made of record.

The Examiner has maintained the rejection of claims 31-34, 36, 39-42 and 44 under 35 U.S.C. § 102 as being anticipated by Christopoulos et al., and the rejection of claims 35, 37, 38, 43, 45 and 46 under 35 U.S.C. § 103 as being unpatentable over Christopoulos et al.. Claims 31 and 39 are independent. These rejections are respectfully traversed for the following reasons.

One of the features of the present invention embodies first encoding parameters which are used to encode a **group** of first blocks of a picture represented by the original video signal and a second encoding parameter which will be used to encode a **second block** of a picture represented by the new video signal, where the second block includes part of the picture represented in the first blocks. In this regard, one aspect of the present invention is directed to converting plural encoding parameters into a single encoding parameter. In order to emphasize this distinction, the independent claims have been amended by changing "second block" to --single second block--.

As previously submitted, Christopoulos merely discloses that block 303 scales the incoming motion vectors in accordance with a required output resolution, motion compensation block sizes and the encoding method of the second coding scheme (*see* col. 8, lines 35-64); but is silent as to the particular method by which to effect such a scaling, let alone suggest a plural to single conversion as described above.

It is respectfully submitted that the enclosed amendment does not raise new issues that would require further consideration and search, but simply emphasizes the previously submitted arguments related to "a plural to single conversion." Accordingly, it is respectfully requested that the enclosed amendment be entered and considered as placing the application in immediate condition for allowance.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Christopoulos et al. does not anticipate claims 31 and 39, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplicatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 31 and 39 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 and 103 be withdrawn.


CONCLUSION

Having fully and completely responded to the Office Action, Applicants submit that all of the claims are now in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP


Ramyar M. Farid
Registration No. 46,692

600 13th Street, N.W.
Washington, DC 20005-3096
202.756.8000 RMF:mcm
Facsimile: 202.756.8087
Date: April 1, 2005